

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/5/2021
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GABRIEL LOOR, individually and on behalf of	:	
others similarly situated,	:	
	:	
Plaintiff,	:	20-CV-3886 (VEC)
	:	
-against-	:	<u>ORDER</u>
	:	
ATLANTIC CONTRACTING OF YONKERS	:	
INC. (D/B/A ATLANTIC CONTRACTING OF	:	
YONKERS), GOTHAM DRYWALL INC. (D/B/A:	:	
GOTHAM DRYWALL), JOEL ACEVEDO, AND :	:	
JOHN FITZPATRICK,	:	
	:	
Defendants.	:	
-----	X	

VALERIE CAPRONI, United States District Judge:

WHEREAS on October 2, 2020, the Court dismissed without prejudice Plaintiff's claims against individual Defendants Joel Acevedo and John Fitzpatrick for failure to serve (Dkt. 16);

WHEREAS on November 9, 2020, Plaintiff filed a letter with the Court seeking permission, pursuant to an agreement with counsel for Defendants Gotham Drywall Inc. and John Fitzpatrick, to reinstate Plaintiff's claims against Defendant Fitzpatrick (Dkt. 24);

WHEREAS on November 11, 2020, the Court issued an endorsement on Plaintiff's November 9, 2020 letter, authorizing Plaintiff to file an Amended Complaint reasserting his claims against Defendant Fitzpatrick (Dkt. 25);

WHEREAS on November 19, 2020, the Court so-ordered Plaintiff's proposed stipulation pursuant to which Plaintiff and counsel for Defendants Gotham Drywall Inc. and John Fitzpatrick agreed that Plaintiff may reassert his claims against Defendant Fitzpatrick (Dkt. 27);

WHEREAS on December 1, 2020, Plaintiff filed the First Amended Complaint, in which Plaintiff asserts claims against both Defendant Fitzpatrick and Defendant Acevedo (Dkt. 34);

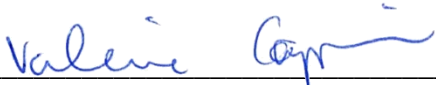
WHEREAS on December 15, 2020, Plaintiff refiled the First Amended Complaint, correcting errors identified by the Docket Clerk (Dkt. 39); and

WHEREAS Plaintiff never sought the Court's permission to reassert his claims against Defendant Acevedo, nor did the Court ever grant Plaintiff permission to reassert his claims against Defendant Acevedo;

IT IS HEREBY ORDERED that not later than **January 12, 2021**, Plaintiff must show cause why his claims against Defendant Acevedo should not be dismissed.

**SO ORDERED.**

**Date: January 5, 2021**  
**New York, NY**

  
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**VALERIE CAPRONI**  
**United States District Judge**